

REMARKS

Claims 1-7 and 9-24 are currently pending.

Claims 1-3, 5-7, 9-11 and 13-24 are rejected.

Claims 4 and 12 are objected to.

No claim has been allowed.

Claim 6 has been amended to correct an obvious typographical error.

Dependent claims 2-7, 10-17, 20 and 23 are amended to correct a minor informality ("A" is amended to "The").

Support for these amendments may be found, for example, in the claims as filed.

The Examiner's gracious granting of a telephone interview with the undersigned, which was conducted on March 10, 2004, is gratefully acknowledged. During the interview, the amendments herein to Claims 1, 9, 18, 19, 21, 22, and 24 were proposed and discussed. Yoshida et al. (U.S. Patent 4,487,613), which is the only art presently cited against the instant claims, was also discussed. Agreement was reached that Yoshida et al., which teaches sulfur-containing gas odorants, did not read upon the proposed amended claims. However, the Examiner expressed the view that the proposed amendments would require additional searching. Accordingly, Applicant submits herewith a Request For Continued Examination Under 37 C.F.R. § 1.114.

Claims 1, 9, 18, 19, 21, 22, and 24 are amended herein to better claim that which the Applicant regards as his invention. Applicants assert that the very essence of the present invention comprises novel gas odorizing compositions that are sulfur-free. The present claims are amended to recite "wherein said components A and B are substantially sulfur-free". Support for

this amendment may be found, for example, in the specification as filed at:

(a) page 1, lines 24-20, which discloses the disadvantages of sulfur-containing gas odorants and the desirability of overcoming the use of sulfur-containing gas odorants, which produce harmful sulfur dioxide;

(b) page 3, lines 11-23, which distinguishes the novel gas odorizing compositions of the present invention from prior art compositions containing sulfur;

(c) pages 6 - 9, which disclose 15 examples of the novel gas odorizing compositions of the present invention, each of which comprises components sulfur-free component A and B as defined in the instant claims.

Care has been taken to ensure that no new matter has been added, and entry of the amendments and consideration of the remarks herein are respectfully requested.

Applicants respectfully submit that the claims as amended herein are neither anticipated nor rendered obvious by Yoshida et al. because Yoshida et al. teaches gas odorization agents that include sulfur containing compounds such as monomercaptans or sulfides (see Abstract). In addition, Yoshida et al. fails to teach or suggest either the desirability of avoiding the use of sulfur-containing compounds, or a means whereby this may be achieved.

Although phrased as a negative limitation, Applicants respectfully assert that the amendment herein meet the requirements of 35 U.S.C. § 112, ¶ 2, because it has a basis in

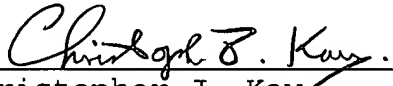
the original disclosure as described above, and "sets forth definitely the boundaries of the patent protection sought." MPEP 2173.05(i).

However, should the Examiner consider that the present claim amendment does not find literal basis in the disclosure, the Examiner's attention is respectfully drawn to *Ex Parte Parks*, 30 USPQ2d 1234 (Bd. Pat. App. & Inter. 1993), in which the Board held that the limitation "conducted in the absence of a catalyst", which did not appear in the original disclosure, nevertheless was permitted because "[t]hroughout the discussion which would seem to cry out for a catalyst if one were used, no mention is made of a catalyst." In the present case, the very essence of the invention comprises novel gas odorizing compositions that are sulfur-free, and none of the 15 examples of such compositions in the disclosure contains a sulfur-containing compound.

Favorable consideration and early issuance of the Notice of Allowance is respectfully requested. Should any points remain prior to issuance of a Notice of Allowance that the Examiner considers may be addressed by telephone, the Examiner is requested to telephone the undersigned at number listed below.

Respectfully submitted,

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U.S. Application No.: 09/762,847
AMENDMENT C

ATTORNEY DOCKET: 3968.062

CERTIFICATE OF MAILING AND AUTHORIZATION TO CHARGE

I hereby certify that the foregoing AMENDMENT C for U.S. Application No. 09/762,847 filed March 12, 2001, was deposited in first class U.S. mail, postage prepaid, addressed: Mail Stop: RCE; Commissioner for Patents; P.O. Box 1450; Alexandria, VA, 22313-1450, on **March 24, 2004**.

The Commissioner is hereby authorized to charge any additional fees, which may be required at any time during the prosecution of this application, except for the issue fee, without specific authorization, or credit any overpayment, to Deposit Account No. 16-0877.



Bonnie L. Horst